

ASSEMBLY BILL

No. 623

Introduced by Assembly Member Williams

February 16, 2011

An act to add Section 23393.5 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 623, as introduced, Williams. Alcoholic beverage licensees: limited off-sale retail wine license.

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Existing law provides for various annual fees for the issuance of alcoholic beverage licenses depending upon the type of license issued. The Alcoholic Beverage Control Act provides that a violation of its provisions is a misdemeanor, unless otherwise specified.

This bill would authorize the department to issue a limited off-sale retail wine license that would allow the licenseholder to sell wine if certain conditions are met. The bill would impose an original fee and an annual renewal fee for the license, which would be deposited in the Alcohol Beverage Control Fund. Because the violation of a provision of the license is punishable as a misdemeanor, the bill expands the definition of an existing crime, thereby creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23393.5 is added to the Business and
2 Professions Code, to read:

3 23393.5. (a) The department may issue a limited off-sale retail
4 wine license which authorizes the sale of wine by the licensee if
5 all of the following conditions are met:

6 (1) Sales are restricted to those solicited and accepted via direct
7 mail, telephone, or the Internet.

8 (2) Sales are not conducted from a retail premises open to the
9 public.

10 (3) The licensee takes possession of and title to all alcoholic
11 beverages sold by the licensee.

12 (4) All alcoholic beverages sold by the licensee are delivered
13 to the purchaser from the licensee's licensed premises or from a
14 licensed warehouse.

15 (b) The licensee shall comply with Section 23985, but is
16 exempted from Sections 23985.5 and 23986.

17 (c) The department may impose reasonable conditions upon the
18 licensee as may be needed in the interest of public health, safety,
19 and welfare.

20 (d) The application for the license shall be accompanied by an
21 original fee in an amount equivalent to that of an original off-sale
22 beer and wine license pursuant to Section 23954.5. The annual fee
23 for the license shall be an amount equivalent to that of a retail
24 package off-sale beer and wine license pursuant to Section 23320.
25 All moneys collected from the fees shall be deposited in the
26 Alcoholic Beverage Control Fund, pursuant to Section 25761.

27 SEC. 2. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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